

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ella Mintz	Team: Squad #1	CCRB Case #: 201707871	<input checked="" type="checkbox"/> Force <input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> Discourt. <input type="checkbox"/> O.L.	<input type="checkbox"/> U.S. <input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 09/23/2017 4:25 AM	Location of Incident: 211 Malcolm X Boulevard; 81st Precinct stationhouse		Precinct: 81	18 Mo. SOL 3/23/2019	EO SOL 3/23/2019
Date/Time CV Reported Mon, 09/25/2017 3:34 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 09/25/2017 3:34 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

[illegible]

Subject Officer(s)	Shield	TaxID	Command
1. An officer			081 PCT
2. POM Gerald Dwyer	25212	948206	081 PCT
3. LT Shibu Madhu	00000	944754	081 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Darrell Shannon	04053	925180	081 PCT
2. SGT Shaun Brown	00875	905837	081 PCT
3. POM Ethan Cedzich	22994	962302	081 PCT
4. SGT Matthew Glynn	1797	945767	081 PCT
5. SGT Taejin Lim	02659	928647	081 PCT
6. POM Matthew Shore	06438	961286	081 PCT
7. POF Tiffany Julien	01149	935174	081 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Shibu Madhu	Force: In front of 211 Malcolm X Boulevard in Brooklyn, Lieutenant Shibu Madhu used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
B.LT Shibu Madhu	Force: In front of 211 Malcolm X Boulevard in Brooklyn, Lieutenant Shibu Madhu used physical force against § 87(2)(b)	
C.LT Shibu Madhu	Abuse: Inside the 81st Precinct Stationhouse, Lieutenant Shibu Madhu did not obtain medical treatment for § 87(2)(b)	
D. An officer	Force: Inside the 81st Precinct stationhouse, an officer used physical force against § 87(2)(b)	
E.POM Gerald Dwyer	Force: Inside the 81st Precinct Stationhouse, Police Officer Gerald Dwyer used physical force against § 87(2)(b)	
F.LT Shibu Madhu	Force: Inside of the 81st Precinct Stationhouse, Lieutenant Shibu Madhu used physical force against § 87(2)(b)	

Case Summary

§ 87(2)(b) filed this complaint on September 25, 2017 on the phone with the CCRB.

On September 23, 2017 at approximately 4:30AM, § 87(2)(b) was gambling with friends and several members of her family outside of 211 Malcolm X Boulevard in Brooklyn. Lieutenant Shibu Madhu, Sergeant Matthew Glynn, Police Officer Darrell Shannon, and Police Officer Gerald Dwyer, all of the 81st Precinct, arrived to the scene. Lt. Madhu approached § 87(2)(b) and allegedly bent her fingers backwards in order to get the money from her hand (**Allegation A: Force:** § 87(2)(g)). Lt. Madhu allegedly placed § 87(2)(b) on the hood of a marked police vehicle and kned her in the back of her knee (**Allegation B: Force:** § 87(2)(g)). Once taken to the 81st Precinct stationhouse, § 87(2)(b) allegedly asked Lt. Madhu for medical attention, which he allegedly refused to provide (**Allegations C: Abuse of Authority:** § 87(2)(g)). Inside the cell area, an unidentified officer and PO Dwyer allegedly pushed § 87(2)(b) to the ground (**Allegations D: Force:** § 87(2)(g)), (**Allegation E: Force:** § 87(2)(g)). Lt. Madhu allegedly kned § 87(2)(b) in the back of her knee (**Allegation F: Force:** § 87(2)(g)). § 87(2)(b) was transported to § 87(2)(b) and was arrested for § 87(2)(b). There is no video footage available of this incident and the 81st Precinct does not have stationhouse cameras.

Findings and Recommendations

Allegation A-Force: In front of 211 Malcolm X Boulevard in Brooklyn, Lieutenant Shibu Madhu used physical force against § 87(2)(b)

Allegation B- Force: In front of 211 Malcolm X Boulevard in Brooklyn, Lieutenant Shibu Madhu used physical force against § 87(2)(b)

§ 87(2)(b) testified that she was on the sidewalk outside playing a dice game for money with approximately fourteen people (Board Review 01). § 87(2)(b) was with her son, § 87(2)(b) her nephew § 87(2)(b) her cousin § 87(2)(b) and § 87(2)(b) and § 87(2)(b) denied consuming any alcohol or any other mind-altering substances on the night. Approximately fifteen-twenty minutes after the dice game was over, § 87(2)(b)'s niece, § 87(2)(b) came outside of the apartment and asked § 87(2)(b) for money for a taxi. § 87(2)(b) had three dice and some money in her right hand. With her left hand, § 87(2)(b) reached inside her pants pocket and retrieved money and outstretched her left hand and told § 87(2)(b) to take twenty dollars. § 87(2)(b) took the money and walked into the awaiting taxi.

When § 87(2)(b) moved her hand to go back in her pocket, Lt. Madhu grabbed the crook of her left elbow and told her to give him her money. § 87(2)(b) refused to provide her money to him. Lt. Madhu again told § 87(2)(b) to give her the money in her right hand. § 87(2)(b) refused to give up her money. Lt. Madhu bent § 87(2)(b)'s fingers backwards and sideways in an attempt to retrieve the money from her hand. § 87(2)(b) moved her hand away from Lt. Madhu because he was hurting her. Lt. Madhu flipped § 87(2)(b) over so her chest was against the car. § 87(2)(b) told Lt. Madhu that he was hurting her and that she was not resisting arrest but that she just did not want to give him her money. Lt. Madhu kned § 87(2)(b) on the back of her right knee, which was previously injured. § 87(2)(b) did not recall the date of the original injury to her knee and could not say precisely what that injury was. PO Shannon then handcuffed § 87(2)(b) and placed her inside a marked police vehicle. § 87(2)(b) sustained a bruise to her right thigh; On October 3, 2017, the undersigned took a photo of a large bruise on the back of her right

thigh (Board Review 02). § 87(2)(b) noted that she was also kneed by Lt. Madhu at the stationhouse, see Allegation G).

§ 87(2)(b) has a pre-existing medical condition and takes Coumadin, a blood thinner. At 6:06AM on § 87(2)(b), an ambulance was called for § 87(2)(b) while she was at the 81st Precinct stationhouse (Privileged Documents). The ACR prepared for § 87(2)(b) stated that § 87(2)(b) had hypertension and an unspecified cardiac condition; no mention of any pain to her hand or thigh is mentioned in the ACR. § 87(2)(b) was escorted to § 87(2)(b), where her chief complaint was chest and back pain. § 87(2)(b) told hospital staff that she was “hit and pushed by NYPD” but did not provide specifics about the alleged physical force. § 87(2)(b) complained of pain to her right wrist and pain to her right leg. A bruise was found on § 87(2)(b)'s inner right thigh during a physical exam. § 87(2)(b) was prescribed pain medication and discharged to NYPD custody. The Medical Treatment of Prisoner Report also notes pain to § 87(2)(b)'s right thigh and right hand (Board Review 03).

The investigation was not able to establish contact with § 87(2)(b) and § 87(2)(b) (Board Review 04).

§ 87(2)(b) and § 87(2)(b) provided phone statements to the CCRB (Board Reviews 05, 06). § 87(2)(b) and § 87(2)(b) both denied that anyone gambled on the night in question. § 87(2)(b) and § 87(2)(b) both stated that Lt. Madhu pried § 87(2)(b)'s fingers backwards in order to get the money that was in her hand but that § 87(2)(b) refused to give the money to him. § 87(2)(b) stated that at this point, he left the area because he did not want to get involved. § 87(2)(b) walked toward Jefferson Avenue, where he was approached by two uniformed males and handcuffed. After he was handcuffed, § 87(2)(b) looked back down the block and saw § 87(2)(b)'s chest against an unmarked vehicle. Lt. Madhu kneed her in the back as § 87(2)(b) yelled, "Get off my back, get off my back!" Lt. Madhu also kneed § 87(2)(b) in the back of her upper thigh. § 87(2)(b) stated that Lt. Madhu repeatedly kicked § 87(2)(b) in the back of her thighs.

§ 87(2)(b) stated that she asked § 87(2)(b) for twenty dollars for a taxi (Board Review 07). § 87(2)(b) removed a twenty-dollar bill from her pants pocket and handed it to § 87(2)(b). When § 87(2)(b) entered the taxi, a white male officer grabbed § 87(2)(b) by her arms. This officer tried to grab money out of § 87(2)(b)'s hands but she did not let him. § 87(2)(b)'s taxi left the scene before she could see what happened to § 87(2)(b).

Lt. Madhu and PO Shannon, who were present at 211 Malcolm X Boulevard stated that Lt. Madhu never bent § 87(2)(b)'s fingers backward in an attempt to retrieve money or kneed her thigh at any point (Board Reviews 08, 09). Lt. Madhu and PO Shannon were shown the photo of the bruise to § 87(2)(b)'s thigh; neither of them had seen this bruise at the time of the incident or acknowledged using any physical force that could have possibly caused this injury.

Lt. Madhu testified that he and Sgt. Glynn were driving when Lt. Madhu observed § 87(2)(b) and § 87(2)(b) gambling with dice. § 87(2)(b) was holding money and had dice in her hand. There was also money on the ground. When Lt. Madhu and Sgt. Glynn exited the vehicle, § 87(2)(b) immediately ran. Sgt. Glynn chased after § 87(2)(b) on foot. Lt. Madhu approached § 87(2)(b) who was putting money in her pants. Lt. Madhu told § 87(2)(b) to put her hands behind

her back. She refused to do so. Lt. Madhu never attempted to get money from her hand; he believed that she did not have any more money in her hand by the time he approached because it was in her pants pocket. PO Shannon, who Lt. Madhu believed was right behind him and Sgt. Glynn, then approached Lt. Madhu and § 87(2)(b). PO Shannon also instructed § 87(2)(b) to place her hands behind her back, which she refused to do. PO Shannon and Lt. Madhu asked § 87(2)(b) to put her hands behind her back approximately five times; each time, she refused to comply. PO Shannon grabbed § 87(2)(b) by one wrist and Lt. Madhu took the other wrist. PO Shannon verbally coerced § 87(2)(b) into putting her hands behind her back by telling her that they would need to take her to the stationhouse anyway and that it would be better if she complied. Once § 87(2)(b) put her hands behind her back, the officers handcuffed her without incident. Lt. Madhu and PO Shannon did not use any physical force in their interactions with § 87(2)(b) apart from grabbing her wrists in order to handcuff her.

PO Shannon stated § 87(2)(b) had money in her hand as he and Lt. Madhu approached her. PO Shannon and Lt. Madhu told § 87(2)(b) to drop the money. § 87(2)(b) stated that she wanted to give the money to a relative. PO Shannon told § 87(2)(b) that she could not give the money away as they needed to voucher it. PO Shannon asked § 87(2)(b) to place her hands behind her back. § 87(2)(b) did not comply and screamed and yelled. PO Shannon told § 87(2)(b) to put her hands behind her back multiple times. After approximately two minutes, § 87(2)(b) allowed PO Shannon to handcuff her. PO Shannon did not use any physical force to get § 87(2)(b) in handcuffs. While PO Shannon handcuffed § 87(2)(b) Lt. Madhu picked up the money that was on the ground. PO Shannon stated that at some point, although he could not recall if this was before or after § 87(2)(b) was handcuffed, he took money out of § 87(2)(b)'s hand. § 87(2)(b) did not resist because PO Shannon told her that once the case was clear, she could have the money back.

PO Dwyer and Sgt. Glynn testified that they were not present for § 87(2)(b)'s interaction with PO Shannon and Lt. Madhu as they had left to pursue and apprehend § 87(2)(b) (Board Reviews 10, 11).

§ 87(2)(g)

[REDACTED]

Allegation C-Abuse of Authority: Inside the 81st Precinct Stationhouse, Lieutenant Shibu Madhu did not obtain medical treatment for § 87(2)(b)

§ 87(2)(b) alleged that when she went to the stationhouse, Lt. Madhu and PO Shannon both escorted her to the desk. § 87(2)(b) asked the desk sergeant, Sergeant Taejin Lim, for a phone call, which he denied. § 87(2)(b) stated this was her sole conversation with Sgt. Lim. PO Shannon then disappeared and she did not see him for the rest of her time at the stationhouse. Lt. Madhu then escorted § 87(2)(b) to the cells. § 87(2)(b) stated that while walking she asked Lt. Madhu if she could call her sister to bring her prescribed blood thinner medication. Lt. Madhu did not respond to this. § 87(2)(b) stated that she asked Lt. Madhu if an ambulance could come treat her as she was experiencing chest pains. § 87(2)(b) stated she asked this question multiple times in the stationhouse at different times to different officers, although she could not elaborate. § 87(2)(b) waited in the cell area for approximately 15 hours before EMTs came to examine her. § 87(2)(b) was then escorted to § 87(2)(b).

§ 87(2)(b) was signed into the command log at 4:30AM and the ambulance was called at 6:06AM. The EVENT information stated that an Aided prisoner had chest pains. The ACR noted that § 87(2)(b) was found without signs of trauma or respiratory distress and that she complained of pain to her lower back and chest. § 87(2)(b) told EMTs that she missed two doses of her medication.

§ 87(2)(b) who was also arrested, stated that he was inside the stationhouse at the desk when § 87(2)(b) entered the stationhouse with Lt. Madhu and immediately said, “I want to go to the hospital! I want to go to the hospital!” § 87(2)(b) was then placed in a different area of the stationhouse than § 87(2)(b) did not see her in the cells, and did not hear her request medical attention at any other point.

§ 87(2)(b) and § 87(2)(b) were present in the cells alongside § 87(2)(b). § 87(2)(b) stated he was not aware that any black female was arrested and never heard any female request medical attention (Board Review 12). § 87(2)(b) is deaf and therefore did not hear § 87(2)(b) request medical attention (Board Review 13). § 87(2)(b) did not hear § 87(2)(b) request any medical attention inside the stationhouse (Board Review 14).

According to her command log entry, Lt. Madhu was the supervisor who verified § 87(2)(b)'s arrest. The command log specifies that § 87(2)(b) did not request medical attention and listed her condition as apparently normal. Sgt. Lim wrote on the command log that § 87(2)(b) was transported to § 87(2)(b). The prisoner holding pen roster states that PO Shannon was the officer guarding § 87(2)(b) in the cells.

All of the officers interviewed denied that § 87(2)(b) ever asked for medical attention and all of the officers denied refusing to obtain medical treatment for her. PO Shannon, who was § 87(2)(b)'s arresting officer, was not aware that she ever went to the hospital.

PO Shannon stated he and Lt. Madhu both were present when lodging § 87(2)(b) in at the desk. PO Shannon did not recall if any other officer was present when he escorted § 87(2)(b) into the cells.

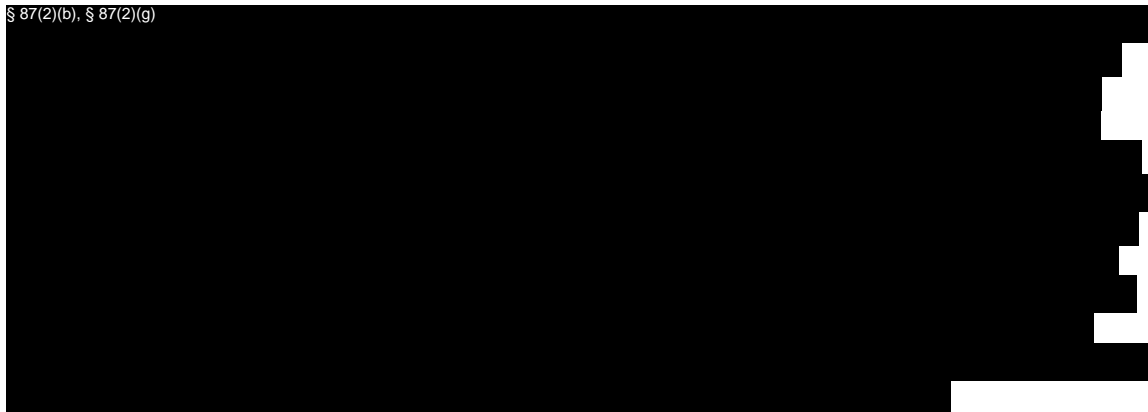
Lt. Madhu testified that he did not recall interacting with § 87(2)(b) at the desk but that he did not believe that he did. Lt. Madhu went to his office, located on the second floor of the stationhouse, to fill out administrative paperwork. Lt. Madhu never heard § 87(2)(b) ask for medical attention or say that she needed to go to the hospital. Lt. Madhu never refused to provide § 87(2)(b) with medical attention. Lt. Madhu was aware that § 87(2)(b) went to the hospital at some point during her arrest processing, but did not recall who informed him of this. Lt. Madhu did not know why she was transported to the hospital. Lt. Madhu did not know who transported her to the hospital. Lt. Madhu did not believe that he instructed PO Cedzich and PO Dwyer to take her to the hospital.

PO Ethan Cedzich (Board Review 15) and PO Dwyer stated that they were not informed that § 87(2)(b) needed medical attention until they were instructed to take § 87(2)(b) to the hospital; they could not recall who gave them these instructions.

Sgt. Glynn, Sgt. Brown and PO Tiffany Julien, who all recalled portions of this incident, stated that § 87(2)(b) never asked for medical attention in their presence (Board Reviews 16, 17).

Sgt. Lim and PO Matthew Shore, who was the cell attendant, did not have independent recollections of this incident (Board Reviews 18, 19). Sgt. Lim acknowledged writing that § 87(2)(b) went to § 87(2)(b) in the command log but he did not know anything else about it.

§ 87(2)(b), § 87(2)(g)



Allegation D -Force: Inside the 81st Precinct Stationhouse, an officer used physical force against § 87(2)(b)

Allegation E -Force: Inside the 81st Precinct Stationhouse, Police Officer Gerald Dwyer used physical force against § 87(2)(b)

Allegation F -Force: Inside the 81st Precinct Stationhouse, Lieutenant Shibu Madhu used physical force against § 87(2)(b)

§ 87(2)(b) stated that while walking with Lt. Madhu to the cells, he grabbed her by the crook of her elbow and pulled her back. Lt. Madhu then instructed PO Dwyer and another officer to handcuff § 87(2)(b)'s feet and to "Sweep her." PO Dwyer and another officer came into the cell area and took § 87(2)(b) down by her waist so she landed on her stomach. § 87(2)(b) testified

that the two officers who pushed her at the behest of Lt. Madhu were the same two officers who chased § 87(2)(b) at the scene and who also escorted her to the hospital. § 87(2)(b) tried to turn around and get the officers off of her. While struggling with the officers, Lt. Madhu kned § 87(2)(b) in the back of her right knee. PO Dwyer and the other officer twisted § 87(2)(b) around and shackled § 87(2)(b)'s ankles. After § 87(2)(b)'s hand and feet were handcuffed, she was placed in a cell alone. § 87(2)(b) estimated that her interaction with the officers lasted for approximately two minutes. § 87(2)(b) stated that there was also a cell full of approximately five "trannies" in the cell next to her. § 87(2)(b) did not know if these were males or females but believed that they witnessed her physical interaction with the officers. § 87(2)(b) continued screaming and yelling from her cell because she was upset at the way officers handled the situation.

As mentioned in the analysis for Allegation B, § 87(2)(b) had a bruise on her right thigh when she went to § 87(2)(b).

§ 87(2)(b) who stated that he was a friend of § 87(2)(b)'s, provided a strikingly different statement than § 87(2)(b) stated that he was in the cells when he witnessed Lt. Madhu and PO Tiffany Julien bring § 87(2)(b) into the stationhouse. § 87(2)(b) asked the officers why she was being arrested and they continually asked her for her money, which she refused to give them by saying, "Fuck that, you're not getting it." Lt. Madhu and PO Julien told § 87(2)(b) to go inside the cell. Lt. Madhu and PO Julien again asked for the money and § 87(2)(b) said, "You're not getting my fucking money." Lt. Madhu tried to go inside § 87(2)(b)'s shirt to get the money that was in her bra but § 87(2)(b) backed away from him into the wall and he did not do it. At this point, Lt. Madhu used both hands and slammed § 87(2)(b)'s face against the wall. § 87(2)(b) tried to move away but Lt. Madhu grabbed the back of her coat by her shoulders and pushed her to the ground so she lying on her back. Lt. Madhu then kicked § 87(2)(b) in her stomach. He did not kick her anywhere else. PO Julien told Lt. Madhu to "calm down" and "get off of her" while he was doing this. Lt. Madhu then dragged § 87(2)(b) into the cell. No other officers came in while this physical altercation was happening. No uniformed officers were present at the time.

§ 87(2)(b) stated that "something was going on" between officers and § 87(2)(b) when she was brought to the cells although being deaf prevented him from fully being able to understand what was going on. § 87(2)(b) described the officers as two uniformed male black officers and one uniformed Native American or Indian male. § 87(2)(b) stated a "whole lot was going on" but could not elaborate. The female appeared to be complaining. § 87(2)(b) did not see any officer kick or knee the female. § 87(2)(b) never saw § 87(2)(b) on the ground at any point. § 87(2)(b) stated the only physical interaction the officer had with § 87(2)(b) was guiding her to the cell, which the Native American or Indian male did by "grabbing and twisting her arm."

§ 87(2)(b) and § 87(2)(b) stated that they never saw § 87(2)(b) in the cells and did not see any officer use physical force against her in the stationhouse.

Lt. Madhu testified that he never escorted § 87(2)(b) to the cells and denied using or seeing any physical force against her. Lt. Madhu stated that he was in his office at the time.

PO Dwyer testified that the only time he saw § 87(2)(b) in the cell or cell area was when he later went to escort her to the hospital. PO Dwyer never kicked § 87(2)(b) or used any physical force against her when she was outside of the cell. PO Dwyer never saw any physical force used against § 87(2)(b) in the cell area.

PO Cedzich testified that he did not see § 87(2)(b) until he was instructed to take her to the hospital. PO Cedzich testified that § 87(2)(b) was already in shackles when he went to the cells.

PO Shannon stated that he was the one who escorted § 87(2)(b) to the cells and that he did not recall if anyone was with him at the time. PO Shannon stated that he did not believe there was a problem in getting § 87(2)(b) inside the cells and that no officer used physical force against her. PO Shannon never saw § 87(2)(b) on the ground.

PO Julien testified that Sgt. Lim asked her to search § 87(2)(b). PO Julien searched § 87(2)(b) in the area directly outside of the cells. PO Julien did not find anything in this search. § 87(2)(b) was upset during the search; she appeared like she had just been crying. PO Julien did not recall if she placed § 87(2)(b) back in the cell or if this was done by another officer. PO Julien did not recall any officers who were present with § 87(2)(b). PO Julien never saw PO Shannon, PO Dwyer, or Lt. Madhu interact with § 87(2)(b) at any point in the stationhouse. PO Julien never told an officer to stop hitting § 87(2)(b). PO Julien did not see any physical force used against § 87(2)(b). § 87(2)(b) never complained that officers used physical force against her. § 87(2)(b) did not have any visible injuries on her person. § 87(2)(b) never complained about having any injuries or pain.

PO Shore, Sgt. Lim, Sgt. § 87(2)(b) and Sgt. Glynn did not use or see any physical force used against § 87(2)(b) in the cell area.

§ 87(2)(g)
[REDACTED]

[REDACTED]

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- Lieutenant Shibu Madhu has been a member of service for 10 years and has been a subject in 19 CCRB complaints and 40 allegations, of which seven were substantiated.
 - 200912984 involved substantiated allegations of physical force and an entry against Lt. Madhu. The Board recommended Charges and the NYPD declined to prosecute.
 - 201308582 involved a substantiated allegation of an entry against Lt. Madhu. The Board recommended Instructions and the NYPD imposed Formalized Training.
 - 201509833 involved a substantiated allegation of a stop against Lt. Madhu. The Board recommended Formalized Training, which the NYPD imposed.
 - 201601900 involved substantiated allegations of a frisk, search, and question against Lt. Madhu. The Board recommended Command Discipline B; the NYPD imposed Command Discipline A in regards to the frisk and search and declined to prosecute the question allegation.
 - § 87(2)(b)
- Police Officer Gerald Dwyer has been a member of service for eight years and has been a subject in two CCRB complaints, involving two allegations, none of which were substantiated.
 - CCRB #201709110, in which PO Dwyer is the subject of one allegation, is currently under investigation.
 - § 87(2)(b)

Mediation, Criminal, and Civil Histories

- This case was not suitable for mediation.
- As of May 17, 2018, the New York City Office of the Comptroller has no record of a notice of claim being filed in regards to this complaint (Board Review 11).
- § 87(2)(b), § 87(2)(c)

Squad No.: _____

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature	Print Title & Name	Date
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